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Patricia Leith
copy

DAE
SPW

October 20, 2006

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450
ATTN: Charles Steven Brantley

Re: Patent Application 10/800,608

Dear Mr. Brantley:

Thank you for your response. The purpose of this letter is as a follow-up to our Petition to Revive under CFR 137(a).

Throughout this process, examiner Patricia A. Leith requested additional information several times and each time those requests were met in a timely manner. On or about February 2006, in a phone conversation with Ms. Leith, she requested an affidavit. The affidavit requested was to come from an expert and was concerning "any interaction or reduction in cholesterol due to the inclusion of folic acid" in our clinical trial. I sent numerous emails to Dr. Lawrence Rink, who conducted our clinical trial, but he was out of the country and did not respond until the end of July 2006. This was when the Affidavit was sent to Examiner Leith via overnight mail. As of that date, she had all the requested information in her possession.

In her Notice of Abandonment she stated that our lack of response was inadvertent. We had every intention of sending the affidavit as soon as Dr. Rink signed it. Our filing to revive our application was based on an unintentional act. Our filing was pursuant to CFR 1.137(a) – unavoidable – when, as you advise it should have been C.F.R. 1.137(b) unintentional. These appeared to be the same to me, a lay person in such matters, and the fee was much less.

I have worked for eight years on this discovery, the last two seeking patent protection, and our company funds our low. Examiner Leith, as I stated, has all the necessary information to render a decision. She is available at (571) 272-0968 if you wish to speak to her in detail regarding this matter. We will do what is necessary to see this to a successful conclusion, but we would like not to spend \$750.00 to do so. Please advise at your earliest convenience.

Respectfully,

Stephen T. Carney
Stephen T. Carney, Director

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